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President: Mr. Hamilton Shirley AMERASINGHE
(Sri Lanka).

AGENDA ITEM 27

Question of Palestine:

- (a) Report of the Committee on the Exercise of the
Inalienable Rights of the Palestinian People;
- (b) Report of the Secretary-General

1. The PRESIDENT: This afternoon the Assembly will begin consideration of agenda item 27. I should like to propose that the list of speakers in the debate on this item be closed on Wednesday, 17 November, at 12 noon. As I hear no objection I take it that it is so decided.

It was so decided.

2. Mr. FALL (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*interpretation from French*): Never in the history of nations have the actions of an international organization had such a decisive effect on the destiny of a people than those of the United Nations and that of the Palestinian people.

3. Almost a year ago the General Assembly, faithful to the task allotted to it since the beginning of this decade for the restoration of the legitimate national rights of the Palestinian people, adopted on 10 November 1975 resolution 3376 (XXX) setting up a Committee on the Exercise of the Inalienable Rights of the Palestinian People. This historic resolution falls well within the vocation of our Organization, which is to promote peace, international security and justice.

4. The question of Palestine, which was introduced on 2 April 1947 to the United Nations by the United Kingdom,¹ has borne and still bears the character of a problem of self-determination, which the United Nations to

date has not been able to resolve in a just and, therefore, durable manner.

5. This absence of a solution has, on the one hand, served to extend and complicate the conflict through the political, military and economic involvement of a growing number of States and, on the other, has created a grave and permanent threat to international peace and security.

6. As a result, the question has remained before the United Nations in a state of uncertainty ever since the very first days of the Organization, which has devoted more time, discussion and effort to its solution than to any other item, without, however, succeeding in bringing about a just and durable solution. This situation does not of course mean that the United Nations is incapable of promoting a peaceful solution of this question. Indeed, the absence of a settlement has depended much less on the nature of the problem than on the different approaches which have been used within the United Nations.

7. Thus the question of the implementation of the right to self-determination of the Palestine people, which is indeed the heart of the problem, has not always received the consideration it warranted nor the attention it deserved during the attempts at solution sponsored by the United Nations.

8. Approaches neglecting the substance of the Palestine question in the United Nations have predominated until recent years, when we have seen the emergence of more constructive trends.

9. The consideration of the Palestinian question in the United Nations has undergone, broadly, three major phases. The first, from 1947 to 1952, saw the partition of Palestine and the birth of the Middle East conflict. The second, from 1952 to 1969, was marked by the eclipse of the question of Palestine and replaced by the more general question of the Middle East conflict. Lastly, the period from 1970 to the present day has been dominated by a process of rehabilitation of the Palestine question.

10. The first period corresponded to the domination of the United Nations by the United States of America and Western European countries, some of which still controlled immense colonial empires. The question of Palestine was dealt with in a way very similar to the methods prevailing during the golden age of colonialism. That is to say, little attention was paid to the right to self-determination of the indigenous population. The result was to be a terrible injustice: the inequitable partition of the country to favour a minority consisting largely of immigrants most of whom came from European countries or America. As was to be

¹ See *Official Records of the General Assembly, First Special Session, Plenary Meetings*, annexes, document A/286.

expected, this injustice set fire to this explosive situation. The war which followed led in its turn to further and even more serious injustices. I refer to the expulsion of the indigenous people and the occupation of the territory which, according to the provisions of United Nations General Assembly resolution 181 (II), was to serve as a basis for the future Arab State of Palestine. Faced with this turn of events, which ran counter to its previous decisions, the United Nations had to try to promote a peaceful solution of the problem, in which it was to play an active role as mediator. It set up a United Nations Conciliation Commission for Palestine, whose action from 1949 to 1952 failed to bring the two belligerent sides to real negotiation. On the contrary, the *status quo* of the 1949 armistice agreements seemed destined to last, thus preparing the way for a new political configuration attained at the expense of the Palestinian Arab people. The United Nations seemed little inclined to take effective enforcement action to ensure compliance with its decisions.

11. The distinctive feature of the second period was the total eclipse of the question of Palestine in favour of the more general question of the Middle East. The worst part of this metamorphosis was that the Palestinian question ceased then to be a political issue, to become merely a humanitarian issue. The international Organization devoted its efforts to attempts to resolve the conflict between Israel and the Arab States, but without much success. The Palestinians, now removed from the political scene, were no longer associated with the search for a political solution. This state of affairs culminated in Security Council resolution 242 (1967), the aim of which was, paradoxically, to lay down the principles of a solution of the Israeli-Arab conflict by side-stepping the basic political question, that is to say, the right to self-determination of the Arab people of Palestine. Thus, this resolution, despite the great hopes it aroused, failed to lead to progress providing a final solution to the question. This dangerous passivity of our Organization, due mainly to the partisan and unbalanced approaches which prevailed within it, was happily overcome by the entry of nations who had known the same sort of frustrations and the same kind of injustices as the Palestinian people and who, more than ever, were decided to raise the problem of Palestine in its true humanitarian and political dimensions in order to make positive contribution to the solution of this problem in which the United Nations was bogged down. These countries, most of which had recently thrown off the colonial yoke, resolutely raised the problem in concrete terms, that is to say, the implementation of the legitimate rights of a people to self-determination and national independence. Resolutions 3236 (XXIX) and 3376 (XXX), adopted respectively on 22 November 1974 and 10 November 1975, illustrated this new trend within the United Nations and released from historical oblivion this important and tragic political question that the international community had, for almost a quarter of a century, relegated to the status of a simple humanitarian question of granting assistance to refugees. In spite of the vicissitudes, the misrepresentations and the blind and determined opposition to which this process gave rise, the General Assembly, acting in accordance with the Charter, was able to impose this just approach in the search for a positive and final solution to the Palestinian problem. It was along these lines that resolution 3236 (XXIX) laid down a precise definition of the inalienable rights of the

Palestinian people. In the key paragraphs of this resolution the General Assembly:

"1. *Reaffirms* the inalienable rights of the Palestinian people in Palestine, including:

"(a) the right to self-determination without external interference;

"(b) the right to national independence and sovereignty;

"2. *Reaffirms also* the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted . . .".

12. To ensure the implementation of this resolution, the General Assembly, at its following session, adopted resolution 3376 (XXX) setting up the Committee on the Exercise of the Inalienable Rights of the Palestinian People, whose report [A/31/35] I have the honour of introducing to you today. Resolution 3376 (XXX) setting up this Committee defined its mandate as follows:

"... to consider and recommend to the General Assembly a programme of implementation, designed to enable the Palestinian people to exercise the rights recognized in paragraphs 1 and 2 of Assembly resolution 3236 (XXIX), and to take into account, in the formulation of its recommendations for the implementation of that programme, all the powers conferred by the Charter upon the principal organs of the United Nations".

13. This task must be recognized to be both important and difficult. It is important because, for the first time, the United Nations is dealing in a concrete manner with the question, which lies at the very heart of the Middle East conflict. It is difficult because the implementation of the rights of the Palestinian people is the subject of diverging, if not diametrically opposed, interpretations. However, the Committee, in order to overcome these obstacles and do useful work while taking into account all the interests involved, invited, in accordance with paragraph 5 of resolution 3376 (XXX), all States Members of the United Nations as well as all intergovernmental regional organizations to take part in its work as observers. The Committee also informed them that it was prepared to examine all oral or written suggestions and proposals which might be submitted to it. To this end, the Palestine Liberation Organization [PLO] was invited to take part as an observer in the work of the Committee and to put forward proposals and suggestions. Various Member States, in particular those of the Middle East, took part in the Committee's work. Representatives of the European Economic Community as well as of the United States of America also gave their points of view in writing. Nevertheless, regrettably, the Committee met with a refusal to co-operate on the part of the Israeli authorities, although this country is one of the parties most concerned in the solution of the Middle East crisis.

14. The report now before you in document A/31/35 contains in part two the recommendations of our Committee regarding the implementation of the inalienable rights of the Palestinian people. These recommendations are addressed particularly to the Security Council and are

focused on the rights defined in resolution 3236 (XXIX), namely, the right of return and the right to self-determination, national independence and sovereignty. I will add that all these recommendations formulated by the Committee are based on resolutions or decisions adopted by the General Assembly or by the Security Council of the United Nations.

15. During its work, the Committee gave special attention to the right of return of the Palestinians. This right was recognized by the General Assembly in its resolution 194 (III), by the Universal Declaration of Human Rights, by Security Council resolution 237 (1967) and finally by Israel itself, in Assembly resolution 273 (III) of 11 May 1949, admitting it to membership in the United Nations.

16. In resolution 194 (III) adopted following the report of Count Bernadotte, United Nations Mediator in Palestine, the General Assembly laid down the principles for the solution of the refugee problem and resolved:

"... that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible".

17. The right of the Palestinian refugees to return and to compensation was likewise reaffirmed subsequently in 24 other United Nations resolutions.

18. In particular we would draw your attention to resolution 273 (III) admitting Israel to membership in the United Nations in which the General Assembly takes note of the declaration by the State of Israel that it "unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations". The same resolution explicitly recalls the provisions of resolution 181 (II) of 29 November 1947 setting up in Palestine two territorial entities, one Arab and the other Jewish.

19. "The organic link between Israel and the United Nations, combined with its own interests, dictates Israel's line of conduct in international affairs, that is to say unconditional loyalty to the United Nations Charter and devotion to the cause of peace." These words do not come from myself. They were uttered by the Permanent Representative of Israel,² after that State was admitted to membership in the United Nations when the delegation of Israel had taken its place in this Organization. Still within the context of this profession of faith, the State of Israel gave its support to resolution 194 (III) regarding the right to return of the Arab refugees from Palestine. Thus, in giving very special attention to this major question, our Committee wished to stress an aspect of the problem which has been acknowledged in one way or another by each of the parties concerned.

20. As regards the ways and means to enable the exercise of the right of return to be implemented, our Committee

² For a summary of this statement, see *Official Records of the General Assembly, Third Session, Part II, Plenary Meetings, 207th meeting, p. 333.*

proposed a two-phased programme. The first concerns the refugees of 1967, whose return should be implemented immediately and unconditionally pursuant to Security Council resolution 237 (1967) of 14 June 1967. This resolution has binding force under Article 25 of the United Nations Charter.

21. While this initial phase is being carried out, the United Nations, in co-operation with the States directly concerned—including, of course, the State of Israel and the PLO—will make the necessary arrangements to ensure that the Palestinian refugees expelled from their lands between 1948 and 1967 return to their homes in the second phase. We must point out in this connexion that this division into two phases has been made solely out of a concern to be realistic and should not be interpreted as placing any restriction on the right of return which should be enjoyed by all exiled Palestinians. Regarding Palestinians who do not wish to return, the Committee has provided, pursuant to resolution 194 (III) that they should be given just and equitable compensation.

22. The implementation of the right of return is a fundamental condition for any just peace in the Middle East. Whatever arguments concerning security problems that might be raised to oppose such implementation, it nevertheless remains true that security can be established generally only within the framework of peaceful coexistence between all the peoples and nations of the region.

23. The second aspect of the inalienable rights of the Palestine people is the right to self-determination and national sovereignty. While the purpose of giving effect to the right of return is to promote the return of the Palestinians to their homeland, that is by no means sufficient to ensure the exercise of their right to self-determination. For this, the Palestinians must be able to express themselves freely as a sovereign people, and it is for this reason that the Committee calls for the evacuation of the Arab territories illegally occupied by Israel, so that the Arab territorial entity, as provided for in resolution 181 (II), may be established there and so that the Palestinian people may be enabled to take control over their own destiny. Such a decision is in conformity with the responsibility already assumed by our Organization when it solemnly proclaimed "the inadmissibility of the acquisition of territory by war".

24. The members of this Assembly no doubt still remember the grave troubles which occurred in occupied Palestine early this year and the debates to which they gave rise in the Security Council. During these debates most if not almost all of the speakers recognized that the occupation of Arab territories had lasted too long and that the unilateral measures taken by Israel were not only unacceptable but contributed to worsening the situation and jeopardizing any progress towards a peaceful solution. However, the debates did not result in the adoption of a resolution, not so much because of disagreement over the facts, but rather because of considerations that had nothing to do with the substance of the issue.

25. The Committee, noting that Israeli occupation of the Arab territories was disapproved of by the international community both in principle and as to methods and that it

was an obstacle to the exercise of the right to self-determination and national sovereignty of the Arab Palestine people, proposed the adoption by the Security Council of the following measures aimed at putting an end to this state of affairs: first, the establishment of a time-table for withdrawal from the occupied areas to be completed no later than 1 June 1977; secondly, the positioning of temporary peace-keeping forces in the area; thirdly, the establishment of a temporary United Nations administration responsible for handing the evacuated territories over to the PLO.

26. Pending completion of the evacuation of these lands, Israel should desist from any action violating human rights in the occupied territories and from its policy of establishing Jewish settlements.

27. Our Committee, as you will have noted, has based its work solely on the relevant resolutions and decisions of the General Assembly and the Security Council, whether the matter concerned the refugees, withdrawal from the occupied Arab territories, or the implementation of the Palestinian people's right to self-determination. Likewise, all measures advocated by the Committee are in conformity with the spirit and the letter of the United Nations Charter. I would even add, for the benefit of our Committee's detractors, that the two main documents which we took as the basis of our work, resolutions 181 (II) and 194 (III), were adopted at the time with the agreement of the State of Israel and the opposition of all the Arab States.

28. The Committee in particular bore in mind the recognition by the United Nations of the Palestinian people as the principal party to the Israeli-Arab conflict, and the resolution adopted during the twenty-ninth session recognizing the PLO as the sole legitimate representative of the interests of the Palestinian people [*resolution 3210 (XXIX)*]. The representative of the PLO made a particularly positive contribution to the work of the Committee.

29. The implementation of the recommendations we put before you requires the enhancement of the role of the United Nations in any efforts made to resolve the Palestinian question and to establish a just and lasting peace in the Middle East. The present situation requires that the Security Council make a careful examination of the recommendations which are now before you in order to expedite a solution to the question, which is indubitably decisive for the establishment of peace in the Middle East. Such an approach seems to us all the more appropriate since the United Nations bears a good part of the responsibility for this drama which is being experienced by the Arab people of Palestine. The report of the Committee was examined by the Security Council from 9 to 29 June 1976.³ Twenty-nine Member States of the Organization spoke at that time. The main feature of the debate was differences concerning the approach to the question.

30. In the view of the Committee, supported by the majority of United Nations Members, the question of the implementation of the rights of the Palestine people calls for speedy and effective action by the United Nations.

³ See *Official Records of the Security Council, Thirty-first Year, 1924th, 1928th, 1933rd-1938th meetings.*

31. The Western countries, for their part, rejected any direct United Nations intervention and proposed that Security Council resolutions 242 (1967) and 338 (1973), which form the framework for a settlement, should be supplemented in order to take into consideration the national rights of the Palestinian people.

32. A draft resolution which was submitted by the non-aligned members of the Security Council⁴ and which merely affirmed the national rights of the Palestinian people was not adopted because of the negative vote of a permanent member of the Security Council.

33. At its subsequent meetings, the Committee decided to leave its report unchanged and to submit it to the General Assembly, bearing in mind the following facts. First, none of the States which spoke in the Council questioned the reality of the rights of the Palestinian people. Secondly, the criticism made of the report related to matters beyond the mandate of the Committee, which was neither to resolve the question of the Middle East nor to reaffirm the rights of Israel, but to define ways and means which would make possible the implementation of the inalienable rights of the Palestinian people.

34. In deciding to submit this report to you in the form in which it was submitted to the Security Council, our Committee does not claim to put before you a perfect document. On the contrary, we are convinced that the changes to be made by the General Assembly will only improve and enrich it, thus bringing us closer to our final goal, which for all of us must be the establishment of a just and definitive peace in the Middle East. It goes without saying that such a goal cannot be realized without a basic change both in the political actions and in the thinking of all parties to the dispute.

35. Israel must give up its expansionist aims and its manifestations of triumphant demagoguery and realize that it cannot live and prosper in the middle of the hostile and explosive environment that now surrounds it. Peace and understanding with its neighbours are indispensable to the security and well-being of its people.

36. The Arabs, for their part, must adopt a more realistic approach to the question and banish from their minds any idea of "driving the Jews into the sea". They must abandon the subjective and emotional approach which has so far characterized their relations with the Jews. The State of Israel is a reality of our time and its existence cannot be denied.

37. We know well that on both sides it is widely held that coexistence between Jews and Arabs is impossible. Those who support such a contention implicitly argue that the problem of the Middle East can be resolved only by totally and definitively eliminating one or other of the two parties to the dispute. Such a view is both absurd and dangerous.

38. During the general debate at the beginning of this session, some 125 speakers—including Heads of State or Government, Prime Ministers for Foreign Affairs or minis-

⁴ *Ibid.*, *Thirty-first Year, Supplement for April, May and June 1976, document S/12119.*

ters responsible for other departments—all stressed the gravity of the situation currently prevailing in the Middle East. Nobody denies that this problem can no longer be considered as one concerning only the Arabs and the Jews, for it has implications that might endanger international peace and security. The United Nations, which is responsible for the resolutions which were adopted at the beginning of this regrettable crisis, has also adopted a series of decisions on the basis of which all aspects of this delicate question could be resolved. The resolutions and decisions of the United Nations are the expression of the collective conscience of the international community, and the Members of our Organization, which are all committed to respect them, must likewise work to ensure their effective and genuine application. And it is on the strength of this conviction that our Committee drew up the report which is now before you.

39. Mr. GAUCI (Malta), Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People: I am greatly indebted to Mr. Fall of Senegal, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, not only for his comprehensive presentation of the report, but also for the dedicated leadership with which he inspired the work of the Committee. His detailed exposition will enable me to be reasonably brief, as I have deliberately kept brief the report of the Committee. I trust the Assembly will find this brevity useful, particularly since delegations are at this time overburdened with voluminous reports which they barely have time to read, let alone consider, with the required attention.

40. As an indication of the brevity of the report, I need only point out that the explanation of the unique nature of the question of Palestine is telescoped into a single paragraph—paragraph 13—of the report. Those requiring more background material may wish to consult in particular documents A/AC.183/L.2 and A/AC.183/L.3, the first listing the nearly 200 resolutions adopted by this Organization on the question—most of them so far unfulfilled—and the second giving a brief historical background of the question of Palestine as it has been discussed at the United Nations since 1947.

41. The conciseness of the paragraph on the nature of the Palestinian question is in inverse proportion to its importance. Not for a single moment should we allow the unfortunate plight of the Palestinian people to escape our concentrated attention during this debate. Their past is on our conscience; their future is our concern. We have before us a matter of fundamental importance: at one and the same time a question of human rights and a political problem transcending the geographic area of its origin. In its wider ramifications, it represents one of the most jagged rocks on which the course of progress in international relations is foundering.

42. It would appear that this session was a particularly appropriate opportunity to seek the basis for a solution. We seem to be at an important cross-roads. Even if we are not, the longer a solution is delayed, the more complicated the problem becomes, the more bitter the resentment, the more tragic the human suffering, the greater the danger to peace.

As our outgoing President said in opening the current session:

"Can we continue to refuse to give a definite and objective reply to the Palestinian people who, for many years, have been subjected to massacre and to a life of wandering and misfortune . . ." [1st meeting, para. 20].

How many times in the past have we silently posed ourselves this question? When shall we give a reply which can transform despair into a glimpse of real hope? And how can we imagine an enduring solution being devised without the PLO, as the recognized legitimate representative of the Palestinian people, being involved in the discussions in which their own future is at stake? Despite the complexity of the problem, an attempt at a realistic and comprehensive reply, legally founded, is contained in the recommendations of the Committee.

43. I do not feel we can make a significant advance through a mere repetition of the sterile series of acrimonious accusations and counter-accusations which have characterized past debates on this question. The bitterness is understandable, but, difficult as it may sound, we need to put that phase behind us and to start a constructive dialogue in considering this item. It is now time for the General Assembly to look objectively at the question and to see whether we cannot, at this important session, make significant moves forward through a collective approach designed eventually to produce a lasting solution.

44. This seems to me our best course of action. I invite all delegations to help us pursue this approach, under the guidance of our President, in the belief that moderation pays, and that encouragement of a just and workable approach to an international problem, whose resolution would constitute a significant advance for peace, is not beyond our capability.

45. This was the constant objective that guided me in the preparation of the report. The essence lies in the recommendations, which only cover a mere three pages, and deserve very careful scrutiny. The recommendations are self-explanatory; no detailed analysis is necessary on my part. Every single sentence is measured, free of any padding and is part of a delicate balance which was not easy to arrive at. The recommendations nevertheless represent the unanimous conclusion of the Committee.

46. By way of background, I should explain that the Committee, which objectively studied and was open to all sectors of opinion, considered as its basis for progress the numerous previous decisions both of the Security Council and of the General Assembly, and also took fully into account the latest trends in international opinion. After careful and unhurried consideration, free from the pressure of events, the Committee advocates a graduated approach containing concrete, constructive and realistic suggestions which would advance progress towards peace, redress injustice, satisfy legitimate aspirations and allay genuine preoccupations. The approach suggested would bring out the latent capability of the United Nations and its organs in promoting, facilitating and overseeing, in all its stages, a graduated but comprehensive peaceful solution reflective of international opinion.